

APPEAL NO. 032707
FILED DECEMBER 4, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on September 22, 2003. The hearing officer resolved the disputed issues by deciding that on _____, the respondent (claimant) sustained a compensable injury and that the compensable injury extends to include her neck, chest (right breast), and right arm. The appellant (carrier) appealed, arguing that the hearing officer erred in rendering a decision that is not supported by the evidence in the record. The appeal file does not contain a response from the claimant.

DECISION

Affirmed.

The claimant testified that she sustained an injury on _____, when she tripped and fell at work. The hearing officer noted that she found the claimant to be a very credible witness. The issues of compensable injury and the extent of the compensable injury presented fact questions for the hearing officer to resolve from the evidence presented. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, the hearing officer's determinations are supported by the testimony of the claimant, medical records, and the opinion of the claimant's treating doctor. We conclude that the hearing officer's determinations on the issues of compensable injury and extent of the compensable injury are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **OLD REPUBLIC INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ROBIN MOUNTAIN
VICE PRESIDENT OF ACE USA
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 200
IRVING, TEXAS 75063.**

Margaret L. Turner
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge